The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

OMNI INNOVATIONS, LLC., a Washington limited liability company; JAMES S. GORDON, Jr., a married individual; EMILY ABBEY, an individual; and GRIFFIN ONLINE DOMAIN, LLC, a Washington limited liability company,

Plaintiffs,

v.

INVIVA, INC., a Kentucky and Delaware corporation, d/b/a/ American Life Direct, and American Life Insurance Co. of New York; and JOHN DOES, I-X,

Defendants.

NO. CV-06-1537-JCC

DECLARATION OF ROBIN LIVINGSTON IN OPPOSITION TO MOTION FOR PARTIAL SUMMARY JUDGMENT

I, Robin Livingston, declare and testify as follows:

1. I am over eighteen years of age and am the Compliance and Regulatory Manager at Jefferson National Financial Corp., formerly known as Inviva, Inc. (“Inviva”), the defendant in the above captioned action. I am competent to testify to the matters stated in this declaration, and make this declaration from personal knowledge of those matters.

2. I have reviewed the Declaration of James S. Gordon, Jr. in Support of

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Plaintiffs' Motion for Partial Summary Judgment for Injunctive Relief in the above-captioned matter, as well as the email which is attached as Exhibit B thereto (the "Email", Dkt. # 20 ¶ 4 Ex. B). Inviva did not send the Email. Moreover, Inviva does not do business as, and has never done business as, any of the following: Spectrum Direct, American Life Direct, Lifeshopdirect, Liberty Direct, or any other entity.

I certify and declare under the penalty of perjury under the laws of the State of Washington and the United States that to my knowledge the foregoing is true and correct.

Executed on this 9th day of July, 2007, at Louisville, Kentucky.

Robin Livingston

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